ARGUMENTS/REMARKS

In the Office Action of August 13, 2009 (the "Office Action"):

1. Claims 112 and 114-124 are rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement and in particular, the claims recite "the adjunct is smaller than a concatenation of the copier related information for the succession of copies of the content" which is asserted in the Office Action to not be described in the specification.
2. Claims 112, 114-123, 125-135 and 137-151 are rejected under 35 USC 101 as not falling within one of the four statutory categories of invention.
3. Claims 125-161 are rejected under 35 USC 103(a) as being unpatentable over Chang et al (2003/125964 A1) in view of Rhoads et al (7,113,615 B2).
4. Claims 112 and 114-124 would be allowable if rewritten or amended to overcome the rejections under 35 USC 112, first paragraph and 35 USC 101 set forth above.

1. Rejection of Claims 112 and 114-124 under 35 USC 112, 1st paragraph

Claims 112 and 124 have been amended to delete without prejudice the objected to language and claim performing "an exclusive-OR operation on information in an adjunct to content with copier related information each time a copy of the content is generated in a succession of copies of the content so that the information in the adjunct is modified to include the copier related information for the generation of each such copy," and such performance of an exclusive-OR operation on information in an adjunct to content with copier related information is believed to be neither taught nor suggested by Chang et al. or Rhoads et al., alone or in combination with each other. In particular, only Rhoads et al. shows a use for an exclusive-OR function, but such use is for performing an exclusive-OR operation on raw bits with a pseudo random binary number for spread spectrum modulation purposes. See Col. 18, lines 7-22. Accordingly, both the data

being exclusive-OR'd and the purpose of the exclusive-ORing is different in Rhoads et al. than claims 112 and 124.

2. Rejection of Claims 112, 114-123, 125-135 and 137-151 under 35 USC 101

The claims have been amended so that the methods claimed therein are "implemented in a computer" and with such amendments, the rejection of the claims under 35 USC 101 is believed to be overcome since computer implemented methods (i.e., computer programs) are statutory subject matter. Support for the amendments is found on page 10, lines 20-27 in which the method described in reference to FIGS. 2-4 is described as being performed by a "copier" and on page 13, line 28 to page 14, line 2 wherein the term "copier" includes personal computers and other devices that are configured through either or both hardware and software to generate an authorized copy of content according to the method.

3. Rejection of Claims 125-161 under 35 USC 103(a) in view of Chang et al. and Rhoads et al.

Claim 125 is believed to be patentable over Chang et al. and Rhoads et al. because it involves "performing an exclusive-OR operation a plurality of times on an adjunct of a copy of the content generated from a succession of copies of the content so that copier related information for each copy of the content in the succession of copies is extracted one-at-a-time in inverse order following each performance of the exclusive-OR operation until information of an original copy of the content is detected," and such a performing of an exclusive-OR operation a plurality of times on an adjunct to a copy of content is believed not to be taught or suggested by Chang or Rhoads, alone or in combination with

each other. In particular, since Chang apparently simply adds or concatenates new user information each time content is re-distributed, only a single extraction of the watermark from the content is presumed necessary to retrieve the history data. Further, Chang fails to teach an exclusive-OR operation for performing such extraction. Rhoads, on the other hand, does not even discuss the storage and extraction of content distribution information in an adjunct to content. Further, the exclusive-OR used in Rhoads is for spread spectrum modulation, not for extracting copier related information from an adjunct to content.

Accordingly, Claim 125 is believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. for the foregoing reasons.

Claims 126, 129-135 are also believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. since they depend from Claim 125, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 125.

Claim 136 is an apparatus claim corresponding to the method Claim 125, and therefore, is believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. for basically the same reasons as stated in reference to Claim 125.

Claim 137 claims a method implemented in a computer that includes "performing an exclusive-OR operation on information in an adjunct to content with identifying information of a network node in a packet of data when the packet of data is relayed by the network node so that the information in the adjunct is modified to include the identifying information of the network node," and such a method is neither taught nor

suggested by Chang et al. or Rhoads et al., alone or in combination with each other, for basically the same reasons as claim 112.

Accordingly, Claim 137 is believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. for the foregoing reasons.

Claims 138-142 are also believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. since they depend from Claim 137, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 137

Claim 143 claims a method implemented in a computer including "performing an exclusive-OR operation a plurality of times on an adjunct to content in the packet of data which has been received after being relayed through a plurality of network nodes so that identifying information for each of the plurality of network nodes is extracted one-at-a-time in inverse order of such relaying following each performance of the exclusive-OR operation until information of a source of the packet of data is detected," and such a method is neither taught nor suggested by Chang et al. or Rhoads et al., alone or in combination with each other, for basically the same reasons as stated in reference to claim 125.

Accordingly, Claim 143 is believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. for the foregoing reasons.

Claims 147-151, 153 and 154 are also believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. since they depend from Claim 143, and as such, are believed to be patentable for at least the same reasons as stated in reference to Claim 143.

Claim 157 is an apparatus claim corresponding to the method Claim 143, and therefore, is believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. for basically the same reasons as stated in reference to Claim 143.

Claim 161 is also believed to be patentable under 35 USC 103(a) over Chang et al. and Rhoads et al. since it depends from Claim 157, and as such, is believed to be patentable for at least the same reasons as stated in reference to Claim 157.

Conclusion

Claims 112, 114, 116-126, 129-144, 147-151, 153, 154, 157 and 161 are pending in the application. Claims 113, 115, 127, 128, 145, 146, 152, 155, 156 and 158-160 have been cancelled. Reconsideration of the rejection of the claims is respectfully requested and an early notice of their allowance earnestly solicited.

Respectfully submitted,

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